IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.25027-M of 2006

DATE OF DECISION: DECEMBER 8, 2006

Avtar Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Manoj Kumar , Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Avtar Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.149 dated 29.11.2005 registered under Sections 307/34/120-B IPC and Sections 25/54/59 of the Arms Act at Police Station Sadar, Nabha, District Patiala.

I have heard the counsel for the parties.

The petitioner is in custody since 8.12.2005. In this case, as per the prosecution version accused Paramjit Singh and Kashmir Singh have caused injuries to the injured, which fall under Section 307 IPC. The allegation against the petitioner, who is real brother of the complainant, is that at his instance, these accused caused injuries to the complainant. Counsel for the petitioner contends that the statement of the complainant has been recorded in the court in which he is saying that though in the initial statement he did not name any person, but he was having the doubt that accused Paramjit Singh and Kashmir Singh fired a shot upon him at the instance of his brother Avtar Singh because both were used to visit his

brother Avtar Singh frequently. Counsel contends that in this case the petitioner has been falsely implicated and he is in custody for the last one year and trial is not going to conclude soon. In this case, till date only one witness has been examined and 18 more witnesses are yet to be examined.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner, and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

December 8, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE